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APR 23 2004

Patent, Trademark
and Copyright Law
and Litigation**OFFICIAL**GEOFFREY R. MYERS
THOMAS J. VANDE SANDE
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WILLIAM D. HALL**FACSIMILE TRANSMITTAL SHEET**

TO: Examiner Ganey Group Art Unit: 3752

FIRM: The United States Patent and Trademark Office

FAX NO: 703-872-9306

FROM: Matthew A. Pequignot, Reg. No. 43,851

RE: Response for Appl. No.: 10/092,294

Number of pages 3
(Includes Cover Page)Confirmation Copy Y X NDate 4/23/04**MESSAGE:**

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**RECEIVED
CENTRAL FAX CENTER**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE APR 23 2004**OFFICIAL**

In re Application of)
)
WALLACE FRANKLIN BANACH) Examiner: Ganey
)
Appl. No.: 10/092,294) Group Art Unit: 3752
)
)
Filed: March 7, 2002) Atty. Dkt. No.: 2494.140
)
For: WEIGHT FOR DRINKING)
 APPARATUS)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

RESPONSE


In response to the restriction requirement contained in the Office Action dated March 23, 2004, Applicant hereby elects Species II for examination (corresponding to Fig. 19) with traverse. It is believed that all claims can be fairly read on Fig. 19.

With regard to the traverse, due to the similarities of the inventions disclosed in the respective figures and the manner in which they would be classified, it is not believed that the additional searching that would be required to examine both species would be unduly burdensome. It is further noted that a "restriction" of this nature is discretionary and withdrawal of the requirement is therefore respectfully solicited.

Respectfully Submitted,

Date:

4-23-2004


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